

REMARKS

This amendment is submitted in response to the Office Action mailed on March 18, 2005 in which claims 9-13 were allowed, claims 1-4, 14, and 15 were rejected, and claims 1, 5-8, 16, and 17 were objected to. With this amendment, claims 1, 14, and 17 are amended, and claims 15 and 16 are canceled. Accordingly, claims 1-14 and 17 are presented for reconsideration and allowance.

II. Response to Rejections of Claims 1-4

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Seegert et al., U.S. Patent No. 5,784,870 ("the Seegert patent"). With respect to claim 1, the Examiner states that the Seegert patent discloses "a moveable arm (80) operably connected between the lever (52) and the deck lift system (10), the arm (80) comprising a shoulder (see Figure 2) between the lever (52) and the deck lift system (10)", and "a cam wheel (76) rotationally connected to the frame (14) of the mower proximate the shoulder of the arm (80)".

As amended, claim 1 requires the moveable arm, which comprises a shoulder that contacts the cam wheel, to be pivotally linked to the lever and operably connected to the deck lift system. In contrast, the Seegert patent discloses a height setting lever 80, which engages the cam wheel 76, but which is not pivotally linked to the control rod 48/hand lever 52. The deck lifting mechanism disclosed in the Seegert patent uses a series of moveable components, including a friction disk 38 that engages first and second pulleys 28 and 30 to lift the mower deck with motorized power. As such, the Seegert patent does not disclose, teach, or suggest that the moveable arm is pivotally linked to the lever.

Additionally, claim 1 has been amended to clarify that the shoulder extends generally normal to the arm. In contrast, with respect to the height setting lever 80 disclosed in the Seegert patent, the portion of the height setting lever 80 that contacts the cam wheel 76 does not extend generally normal to the height setting lever 80. The portion of the height setting lever

80 that contacts the cam wheel 76 is an edge surface of the height setting lever 80. As such, the Seegert patent does not disclose, teach, or suggest a shoulder extending generally normal to the arm. Accordingly, claim 1, as amended, is not anticipated by the Seegert patent. Similarly, claims 2-8, which depend from claim 1, are also not anticipated by the Seegert patent.

II. Response to Rejections of Claims 14 and 15

In the Office Action, the Examiner rejected claims 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Rose, U.S. Patent No. 4,120,136 ("the Rose patent"). The Examiner stated that claims 16 and 17 would be allowable if rewritten in independent form. Accordingly, claim 14 is amended to include the limitations of claims 15 and 16. As such, claim 14 is now the same as claim 16 rewritten in independent form. Accordingly, claim 14, as amended, is not anticipated by the Rose patent. Similarly, claim 17, which is amended to depend from claim 14, is also not anticipated by the Rose patent.

III. Response to Claim Objections

In the Office Action, the Examiner states that claim 1 is objected to because the term "axis or rotation" should be changed to "axis of rotation". Applicant appreciates the Examiner's notification of this correction, and has amended claim 1 correspondingly.

The Examiner also states that claims 4-8, 16, and 17 are objected to as being dependent on rejected base claims, but are otherwise allowable if rewritten in independent form. However, as discussed above, claim 1, which claims 4-8 depend from, is now allowable in its amended form. Similarly, claim 14, which claim 17 depends from, is amended to include the limitations of claims 15 and 16, and is now allowable in its amended form.


CONCLUSION

Because the prior art made of record does not show, suggest, or teach all the limitations in claims 1-14 and 17 as amended, pending claims 1-14 and 17 are in condition for allowance. Favorable reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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Date: 5/24/05

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